

Thimesch Law Offices

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CRAIG YATES

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES,

CASE NO. 07-cv-04087-JSW

Plaintiff/Appellant,

v.

**PLAINTIFF'S NOTICE OF PENDING
SETTLEMENT**

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants/Respondents.

_____ /

At the Settlement Conference before U.S. District
Magistrate Judge Elizabeth D. Laporte on December 10, 2008, the
parties tentatively settled all plaintiffs' claims for
injunctive relief, statutory-compensatory damages, and
reasonable statutory attorney fees, litigation expenses and
costs relative to the following factually related actions:

- (1) Yates v. Union Square, San Francisco Superior Court
Case No. 08-473176.
- (2) Skaff v. Union Square, San Francisco Superior Court
Case No. 08-475516.
- (3) Yates v. Union Square, Ninth Circuit Number 08-15538
- (4) Yates v. Union Square, U.S. District Court for the N.

1 District of California, Case No. 07-cv-04087-JSW.
2 (5) Skaiff v. Union Square, U.S. District Court for the N.
3 District of California, Case No. C08-2555 JSW.
4 Requests for Dismissal in each action will be filed following
5 completion and execution of a formal settlement agreement,
6 which shall also be subject to approval by the City and County
7 Board of Supervisors. The Request for Dismissal in the Related
8 Federal Actions (i.e., Yates v. Union Square, U.S. District
9 Court for the N. District of California, Case No. 07-cv-04087-
10 JSW and Skaiff v. Union Square, U.S. District Court for the N.
11 District of California, Case No. C08-2555 JSW) will seek
12 retained jurisdiction to interpret and enforce the settlement
13 agreement.

14 THIMESCH LAW OFFICES

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17 TIMOTHY S. THIMESCH
18 Attorneys for the Plaintiff
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Certificate or Proof of Service by Mail, Fax or Personal Delivery

State of California

County of Contra Costa

} ss.

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and a resident of the Counties of Contra Costa, over the age of eighteen (18) years and not a party to the within action or proceeding; that my business address is Thimesch Law Offices, 158 Hilltop Crescent, Walnut Creek, California 94597-3452; that on the below date, following normal business practice, I caused to be served the foregoing document described as:

PLAINTIFF'S NOTICE OF PENDING SETTLEMENT

(Yates v. Union Square, et al., U.S. Dist. Ct. N. Dist. of Calif, No. C07-4087 JSW)

on the interested parties in this action, by taking a true copy thereof and conveying as follows:

☒ **See Attached Service List.**

☐ **Personal Delivery:** By personally delivering, or causing to be hand delivered through a fax-filing or messenger agency, true and exact copies of these documents to the above entitled place of business (or as indicated on the attached service list) with directions to deliver them immediately to _____.

☒ **Email:** By email transmission with a copy of the subject document in Portable Document Format (PDF), sent to the below designated email addresses, and with a request for received- and read-receipts.
(☐ Without exhibits, which are to follow by overnight mail; ☒ With exhibits; ☐ N/A)

☐ **Facsimile:** By facsimile transmission, from our regular facsimile machine at (888) 210-8868, at approximately _____, or soon thereafter, addressed to the following facsimile machine (☐ Without exhibits, which are to follow by mail; ☐ With exhibits):

Name of Person Served: See Above

Facsimile Telephone No: See Above

A facsimile machine report was printed immediately thereafter, which verified that the transmission was complete and without error.

☒ **U.S. Mail and/or Overnight:** By depositing true copies thereof, enclosed in a sealed envelope(s) with postage thereon fully prepaid, marked with the above address(es), and placed in:
☒ in First Class United States Mail
☐ in ☐ priority, or ☐ standard, overnight mail via Federal Express,

I am readily familiar with our office's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence, including said envelope, will be deposited with the United States Postal Service in Walnut Creek, and designated overnight packages will be timely scheduled for pickup or placed in Federal Express drop boxes or left at drop centers in Walnut Creek.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made, and that the foregoing is true and correct under penalty of perjury pursuant to the laws of the United States and the state of California. Executed this **December 22, 2008**, in Corona, California.

By:



☐ Timothy S. Thimesch
(Original signed)

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